

TRANSPORTATION DEVELOPMENT ACT, ARTICLE 3,
PEDESTRIAN/BICYCLE PROJECTS
Policies and Procedures ~~and Project Evaluation Criteria~~

PROCEDURES

Eligible Claimants

The Transportation Development Act (TDA), Public Utilities Code Sections 99233.3 and 99234, makes funds available in the nine-county Metropolitan Transportation Commission (MTC) Region for the exclusive use of pedestrian and bicycle purposes/projects. MTC makes annual allocations of TDA Article 3 funds to eligible claimants after review of applications submitted by counties or congestion management agencies.

All cities and counties in ~~each of~~ the nine ~~MTC region~~ counties in the MTC region are eligible to claim funds under TDA Article 3. Joint powers agencies composed of cities and/or counties are also eligible provided their JPA agreement allows it to claim TDA funds.

Application

1. Counties or congestion management agencies will be responsible for putting together an annual program of projects, which they initiate by contacting the county and all cities and joint powers agencies within their jurisdiction and encouraging submission of project applications.
2. Claimants will send one or more copies to the county or congestion management agency (see "Priority Setting" below).
3. A project is eligible for funding if:
 - a. The project sponsor submits a resolution of its governing board that addresses the following six points:
 1. There are no legal impediments regarding the project.
 2. Jurisdictional or agency staffing resources are adequate to complete the project.
 3. There is no pending or threatened litigation that might adversely affect the project or the ability of the project sponsor to carry out the project.
 4. Environmental and right-of-way issues have been reviewed and found to be in such a state that fund obligation deadlines will not be jeopardized.

5. Adequate local funding is available to complete the project.
6. The project has been conceptually reviewed to the point that all contingent issues have been considered.

- b. The ~~project funding requested is for one or more of the following purposes: is~~
 1. ~~c~~Construction and/or engineering of a capital project; ~~is to~~
 2. ~~maintain~~Maintenance of a ~~Class I bikeway multi-purpose path~~ which is closed to motorized traffic; ~~is for a b~~
 3. ~~Bicycle safety education program (no more than 5% of county total); is to d~~
 4. ~~Development of a~~ comprehensive bicycle or pedestrian facilities plans (allocations to a claimant for this purpose may not be made more than once every five years); ~~or for the purposes of r~~
 5. ~~Restriping Class II bicycle lanes. Refer to Appendix A1 for examples of eligible projects.~~
- c. The claimant is eligible to claim TDA Article 3 funds under Sections ~~99233.3~~ or 99234 of the Public Utilities Code.
- d. If it is a Class I, II or III bikeway project it meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual (Available via Caltrans headquarters' World Wide Web page); or if it is a pedestrian facility, it meets the mandatory minimum safety design criteria published in Chapter 100 of the California Highway Design Manual (Available via Caltrans headquarters' World Wide Web page).
- e. The project is ready to implement ~~within the next fiscal year~~ and can be completed within the three year eligibility period.
- f. *If the project includes construction, that it* meets the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.) and project sponsor submits an environmental document that has been stamped by the County Clerk within the past three years.
- g. A jurisdiction agrees to maintain the facility.
- h. The ~~bicycle~~ project is included in a local bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan. one or more of the following: a detailed bicycle circulation element or plan included in a general plan or an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).

Priority Setting

1. The county or congestion management agency shall establish a process for establishing project priorities in order to prepare an annual list of projects being recommended for funding.

2. Consistent with the One Bay Area Grant Program (MTC Resolution 4035, Revised), all projects submitted to the county or congestion management agency must be reviewed by the requesting agency's Bicycle and Pedestrian Advisory Committee (BPAC) or similar public advisory group in an early project development phase to verify bicycling and pedestrian needs for projects. If an agency does not have a BPAC, the project/s may be submitted to the county BPAC or countywide BPAC for review. An alternative to BPAC review is a publically noticed meeting where the public can provide input at the Project Approval and Environmental Documentation (PA&ED) stage of the project.

~~Each county and city is required to have a Bicycle Advisory Committee (BAC) to review and prioritize TDA Article 3 bicycle projects and to participate in the development and review of comprehensive bicycle plans. (BACs are mandated by State Transportation Control Measure [STCM #9], adopted by MTC on November 28, 1990, MTC Resolution No. 2178, Revised).~~

~~A city BAC shall be composed of at least 3 members who live or work in the city. More members may be added as desired. They will be appointed by the City Council. The City or Town Manager will designate staff to provide administrative and technical support to the Committee.~~

~~Cities under 10,000 population who have difficulty in locating a sufficient number of qualified members, may apply to MTC for exemption from these requirements. Cities over 10,000 population may also apply to MTC for exemption from the city BAC requirement if they can demonstrate that the countywide BAC provides for expanded city representation.~~

~~A county BAC shall be composed of at least 5 members who live or work in the county. More members may be added as desired. The County Board of Supervisors and/or Congestion Management Agency (CMA) will appoint BAC members. The county or congestion management agency executive/administrator will designate staff to provide administration and technical support to the Committee.~~

~~(Note: The intent is that BACs be composed of bicyclists/pedestrians.)~~

3. ~~2. The project lists developed by the City BACs shall be recommended to its City or Town Council. The Countywide Bicycle Advisory Committee will forward all city~~ All proposed projects shall be submitted lists to the County Public Works Department or congestion management agency for evaluation/prioritization. County Committees will, at a minimum, be responsible for evaluating bicycle projects within the unincorporated portions of the county and setting a countywide prioritization list (based on city and county project lists) for annual TDA Article 3 allocations. Consistent with the county

process. ~~Either~~ the Board of Supervisors or the Congestion Management Agency (CMA) will adopt the annual countywide list and forward it to MTC for approval.

43. The county or congestion management agency will forward to MTC a copy of the following:
- a) Applications for the recommended projects, including a governing body resolution, stamped environmental document, and map for each, as well as a cover letter stating the total amount of money being claimed; *and confirmation that each project meets Caltrans' minimum safety design criteria and ~~is ready to implement within the next fiscal year~~ can be completed before the allocation expires.*
 - b) The complete priority list of projects with an electronic version to facilitate grant processing.
 - ~~c) an indication of how and when the projects were reviewed by city and county committees and representatives and what methods were used to contact interested members of the public; and~~
 - ~~cd)~~ A Board of Supervisors' or CMA resolution approving the priority list and authorizing the claim.

MTC Staff Evaluation

MTC Staff will review the list of projects submitted by each county. If a recommended project is eligible for funding, and falls within the overall TDA Article 3 fund estimate level for that county, staff will recommend that ~~the project be approved~~ funds be allocated to the project.

Allocation

The Commission will approve the ~~priority list and~~ allocation of funds for the recommended projects. The County Auditor will be notified by allocation instructions to reserve funds for the approved projects. Claimants will be sent copies of the allocation instructions and ~~instructions for claiming disbursement~~ funds should be invoiced in accordance with the "Disbursement" section below.

Eligible Expenditures

Eligible expenditures may be incurred from the start of the fiscal year of award plus two additional fiscal years. Allocations expire at the end of third fiscal year following allocation. For example, if funds are allocated to a project in October 2014, a claimant may be reimbursed for eligible expenses that were incurred on or after July 1, 2014. The allocation expires on June

30, 2017 and all eligible expenses must be incurred before this date. All disbursement requests should be submitted by August 31, 2017.

Disbursement

1. ~~When costs are incurred, the claimant shall submit to MTC the following, a minimum of no later than two months before~~ the claimant shall submit to MTC the following, a minimum of no later than two months before the grant expiration date:

- a) A copy of the allocation instructions along with a dated cover letter referring to the project by name, dollar amount and allocation instruction number and the request ing for a disbursement of funds;

- b) Documents showing that costs have been incurred during the period of time covered by the grant allocation and, if applicable, ~~that the project has been formally accepted as complete by the jurisdiction.~~

- c) With the final invoice, the claimant shall submit a one paragraph summary of work completed with the allocated funds. This information may be included in the cover letter identified in bullet "a" above and is required before final disbursement is made. If the project includes completion of a Class I, II or III bicycle facility, this information should be added to Bikemapper or a request should be made to MTC to add it to Bikemapper.

2. MTC will approve the disbursement and, if the disbursement request was received in a timely fashion and the allocation instruction has not expired, been totally drawn down nor been rescinded, issue an authorization to the County Auditor to disburse funds to the claimant.

Rescissions and Expired Allocations

Funds will be allocated to claimants for specific projects, so transfers of funds to other projects sponsored by the same claimant may not be made. If a claimant has to abandon a project or cannot complete it within the time allowed, it should ask the county or congestion management agency to request that MTC rescind the allocation. Rescission requests may be submitted to and acted upon by MTC at any time during the year. Rescinded funds will be returned to the county's apportionment. If the funds that are rescinded are from a previous fiscal year, then those funds will be rolled over into the next fiscal year at the time that MTC adopts or revises the Fund Estimate.

Allocations that expire without being fully disbursed will be disencumbered in the fiscal year following expiration. The funds will be returned to county's apportionment and will be able for allocation.

Fiscal Audit

All claimants that have received an allocation of TDA funds are required to submit an annual certified fiscal and compliance audit to MTC and to the Secretary of Business and Transportation Agency within 180 days after the close of the fiscal year, in accordance with PUC Section 99245. Article 3 applicants need not file a fiscal audit if TDA funds were not expended (that is, costs incurred) during a given fiscal year. However, the applicant should [file-submit](#) a statement for MTC's records certifying that no TDA funds were expended during the fiscal year. Failure to submit the required audit for any TDA article will preclude MTC from making a new Article 3 allocation. For example, a delinquent Article 4.5 fiscal audit will delay any other TDA allocation to the city/county with an outstanding audit. Until the audit requirement is met, no new Article 3 allocations ~~or disbursements~~ will be made.

[TDA Article 3 funds may be used to pay for the fiscal audit required for this funding.](#)

~~For Further Information~~

~~Claimants are encouraged to develop their claims with the MTC staff at an early date so that the formal claim process can be expedited. If you have any questions regarding the application forms or related matters, please contact the MTC staff liaison who is responsible for Article 3. Copies of the Transportation Development Act and the related regulations in the California Administrative Code are available from the funding section of MTC's web page.~~

SUGGESTED CRITERIA

~~The counties or congestion management agencies should consider the following criteria along with any explicit criteria the county or congestion management agency deems necessary when evaluating projects for the countywide priority list.~~

~~The basic objectives of the MTC suggested criteria are to give priority to projects that increase the safety, security, and efficiency of bicycle and pedestrian travel, and to the extent practicable provide for a coordinated system.~~

~~Consideration should be given to projects that can demonstrate one or more of the following objectives: (Not listed in priority order.)~~

Appendix A 1: Examples of Eligible Projects

1. ~~Projects that eliminate~~Elimination or ~~improvement of~~ an identified problem area (specific safety hazards such as high-traffic narrow roadways or barriers to travel) on routes that would otherwise provide relatively safe and direct bicycle or pedestrian travel use, given the character of the users. For example, roadway widening, shoulder paving, restriping or parking removal to provide space for bicycles; a bicycle/pedestrian bridge across a stream or railroad tracks on an otherwise useful route; a segment of ~~Class I bicycle~~multi-purpose path to divert young bicyclists from a high traffic arterial; a ~~pedestrian-multi-purpose~~ path to provide safe access to a school or other activity center; replacement of substandard grates or culverts; adjustment of traffic-actuated signals to make them bicycle sensitive. Projects to improve safety should be based on current traffic safety engineering knowledge.
2. Roadway improvements or construction of a continuous interconnected route to provide reasonably direct access to activity centers (employment, educational, cultural, recreational) where access did not previously exist or was hazardous. For example, development of ~~Class I~~Multi-purpose paths on continuous rights-of-way with few intersections (such as abandoned railroad rights-of-way) which lead to activity centers; an appropriate combination of ~~Class I~~Multi-purpose paths, Class II, and Class III bikeways on routes identified as high demand access routes; bicycle route signs or bike lanes on selected routes which receive priority maintenance and cleaning.
3. Secure bicycle parking facilities, especially in high use activity areas, at transit terminals, and at park-and-ride lots. Desirable facilities include lockers, sheltered and guarded check-in areas; self-locking sheltered racks that eliminate the need to carry a chain and racks that accept U-shaped locks.
4. Other provisions that facilitate bicycle/transit trips and walk/transit. For example, bike racks on buses, paratransit/trailer combinations, and bicycle loan or check-in facilities at transit terminals, bus stop improvements, wayfinding signage.
5. Maintenance of ~~Class I bikeways~~multiple purpose pathways that are closed to motorized traffic or for the purposes of restriping Class II bicycle lanes (provided that the total amount for Class II bicycle lane restriping does not exceed twenty percent of the county's total TDA Article 3 allocation) ~~where county policy supports the use of Article 3 funds for this purpose~~.
6. Funds may be used for construction and plans, specification, and estimates (PS&E) phases of work. Project level environmental, planning, and right-of-way phases are not eligible uses of funds. Projects identified in a recent (within five years) comprehensive local bicycle or pedestrian plan. We encourage counties to establish a five-year plan for bicycle projects.
7. Projects that enhance or encourage bicycle or pedestrian commutes, including Safe Routes to Schools projects.

8. Intersection safety improvements including bulbouts/curb extensions, transit stop extensions, installation of pedestrian countdown or accessible pedestrian signals, or pedestrian signal timing adjustments. Striping high-visibility crosswalks or advanced stop-back lines, where warranted.
~~Projects in jurisdictions that have bicycle safety education and law enforcement, distribution of bicycle route information, a bicycle parking plan, and priority maintenance of bikeways.~~
9. Purchase and installation of pedestrian traffic control devices, such as High-intensity Activated crossWalk (HAWK) beacons, rectangular rapid flashing beacons (RRFB), or pedestrian safety “refuge” islands, where warranted
~~Projects which have documented local support in terms of requests for improvement from bicyclists, employers, employees, or residents in the area; or local effort in terms of funding or preliminary studies.~~
10. Projects that provide connection to and continuity with longer routes provided by other means or by other jurisdictions to improve regional continuity.
11. Bicycle Safety Education Programs. Up to five percent of a county's Article 3 fund may be expended to supplement monies from other sources to fund a public bicycle safety education programs and staffing. ~~For a given bicycle safety education project, no more than 50 percent shall be funded with Article 3 funds.~~
12. Comprehensive Bicycle and Pedestrian Facilities Plan. Funds may be allocated for these plans (emphasis should be for accommodation of bicycle and walking commuters rather than recreational bicycle-uses). A city or county ~~would be eligible to~~ may not receive allocations for these plans ~~not~~ more than once every five years. Environmental documentation and approval necessary for plan adoption is an eligible expense.